

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA

v.

CHRISTOPHER LEON COLEMAN,
a/k/a "Slim",

Defendant

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: CASE NO.: 5:22-CR-09 (CAR)
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**AMENDED PRELIMINARY ORDER OF
FORFEITURE AS TO A CERTAIN FIREARM**

The United States' Motion for the Issuance of an Amended Order of Forfeiture as to a Certain Firearm [Doc. 577] is hereby **GRANTED**. As set forth below, the Court's Preliminary Order of Forfeiture entered on January 2, 2024 [Doc. 504], is hereby AMENDED as to the subject firearm, and all other property will remain subject to forfeiture under the Court's first Preliminary Order of Forfeiture.

WHEREAS, on July 12, 2023, Defendant Christopher Leon Coleman, a/k/a "Slim" (hereinafter "Coleman" or "Defendant"), pled guilty to Count One of the Indictment charging him with Conspiracy to Possess with Intent to Distribute Controlled Substances, including fentanyl, heroin, and methamphetamine, aided and abetted by others both known and unknown, in violation of Title 21, United States Code, Sections 841(a), 841(b)(1)(A), and 846;

AND WHEREAS, the Indictment contained a generic Forfeiture Notice, pursuant

to which the United States seeks forfeiture under Title 21, United States Code, Section 853, of specific property constituting, or derived from, any proceeds obtained, directly and indirectly, as a result of such offense(s), and any property, real or personal, used, or intended to be used in any manner or part to commit, or to facilitate the commission of, the offense(s);

AND WHEREAS, On January 2, 2024, this Court entered a Preliminary Order of Forfeiture pursuant to the Government's Motion and Memorandum for the Issuance of a Preliminary Order of Forfeiture;

AND WHEREAS, on April 9, 2024, the United States filed a Motion requesting the Court to enter an Amended Preliminary Order as to a Certain Firearm to correct the serial number of the firearm lettered as D. from "CUJ2698" to "CVJ2698";

AND WHEREAS, the Court has determined, based on the evidence already in the record, that (1) Defendant has an ownership interest in the following subject firearm; (2) that the following property is subject to forfeiture pursuant to 21 U.S.C. § 853; and (3) that the United States has established the requisite nexus between the aforesaid offense(s) and the following property, to wit:

FIREARM

A. One (1) Smith & Wesson, Model: M&P, .38 caliber revolver, Serial Number: CVJ2698,
(hereinafter referred to as the "subject firearm").

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED

THAT:

1. The Court's Preliminary Order of Forfeiture entered on January 2, 2024, is hereby AMENDED as to the subject firearm, and all other property will remain subject to forfeiture under the Court's first Preliminary Order of Forfeiture.

2. Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 3554, and Rule 32.2(b), Federal Rules of Criminal Procedure, the Court finds by a preponderance of the evidence that the United States has demonstrated the required nexus between the subject firearm and the offense(s) of conviction, and the subject firearm is hereby forfeited to the United States.

3. Upon the entry of this Amended Order as to a Certain Firearm, in accordance with FED. R. CRIM. P. 32.2(b)(3), the Attorney General (or a designee) is authorized to seize the subject firearm, and to conduct any discovery that may assist in identifying, locating or disposing of the subject firearm, and to commence any applicable proceeding to comply with statutes governing third-party rights, including giving notice of this Amended Order as to a Certain Firearm.

4. The United States shall publish notice of the Amended Order as to a Certain Firearm and its intent to dispose of the subject firearm in such a manner as the United States Attorney General (or his designee) may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject firearm.

5. Any person, other than the above-named Defendant, asserting a legal interest in the subject firearm must, within thirty (30) days after receipt of notice, or no

later than sixty (60) days from the first day of publication on the official internet government forfeiture site, www.forfeiture.gov, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject firearm, and for an amendment of the Order(s) of Forfeiture, pursuant to 21 U.S.C. ' 853(n).

6. Pursuant to FED. R. CRIM. P. 32.2(b)(4), this Amended Preliminary Order of Forfeiture as to a Certain Firearm shall become final as to the Defendant at the time of entry as sentencing has already commenced. If no third-party files a timely claim, this Amended Order as to a Certain Firearm shall become the Final Order of Forfeiture, as provided by FED. R. CRIM. P. 32.2(c)(2).

7. Any petition filed by a third-party asserting an interest in the subject firearm shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner=s right, title or interest in the subject firearm, the time and circumstances of the petitioner=s acquisition of the right, title or interest in the subject firearm, any additional facts supporting the petitioner=s claim and the relief sought.

8. After the disposition of any motion filed under FED. R. CRIM. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

9. The United States shall have clear title to the subject firearm following the Court=s disposition of all third-party interests, or if none, following the expiration of the

period provided in 21 U.S.C. ' 853(n), for the filing of third-party petitions.

10. The Court shall retain jurisdiction to enforce this Amended Order as to a Certain Firearm, and to amend it as necessary, pursuant to FED. R. CRIM. P. 32.2(e).

SO ORDERED, this 7th day of May, 2024.

S/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

PREPARED BY:

PETER D. LEARY
UNITED STATES ATTORNEY

/s/ Michael P. Morrill
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